

November 29, 2010

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Kristin Young v. Washington State Patrol
Allocation Review Request ALLO-10-021

Director's Determination

This position review was based on the work performed for the six-month period prior to February 1, 2010, the date Washington State Patrol (WSP) Human Resource Division received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Ms. Young's assigned duties and responsibilities, I conclude her position is properly allocated to the Forms and Records Analyst 3 classification.

Background

On February 1, 2010, WSP's human resource office received Ms. Young's Position Review Request (PRR) form asking that her position be reallocated to the Forms and Records Analyst Supervisor classification (Exhibit B-8). Ms. Young signed the form on January 28, 2010. Her supervisor completed and signed the supervisor's portion of the form on January 29, 2010. On February 5, 2009, an updated PDF was submitted to WSP's HR (Exhibit B-9). On March 23, 2010, Ms. Young submitted a revised PDF after being asked by her supervisor, Gretchen Dolan, to revise some of the wording in the document (Exhibit B3).

On March 24, 2010 WSP notified Ms. Young that her position was properly allocated as a Forms and Records Analyst 3 (Exhibit B-1).

On April 20, 2010, the Department of Personnel received Ms. Young's request for a Director's review of WSP's allocation determination (Exhibit A-1).

On October 27, 2010, I conducted a Director's review conference. Present during the conference were Kristin Young, Pat Marshall, Human Resource Program Manager, Melodie Wulfekuhle, Human Resource Consultant, and Dr. Donald Sorenson, Commander – Risk Manager.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Ms. Young serves as the agency's records retention officer. Her position oversees the agency's records retention practices and processes in accordance with RCW 40.14. Her position provides overall program administration for the agency's records retention, destruction and maintenance activities. Her position also serves as the agency's Tort and Lawsuit Coordinator. She assists external stakeholders with tort claim investigations by organizing the gathering, copying, delivering, and maintenance of agency records pertaining to tort claims and lawsuits. She provides agency-wide coordination of agency records involving potential lawsuits including records coordination and facilitating agency contacts for all lawsuits filed against the agency.

Ms. Young's supervisor, Gretchen Dolan, is the agency's Public Records Officer. Ms. Dolan indicated that the description of work provided in the PRR by Ms. Young accurately reflects her duties and responsibilities.

During the review conference, Ms. Young clarified the percentages of time performing her assigned duties and responsibilities as reflected in the PRR as follows:

- 60% Tort and Lawsuit Coordinator – Liaison between the WSP and clients and/or interested parties to facilitate the completion of case related tasks and processes to include the Attorney General's office, the Department of Transportation and Office of Financial Management Risk Management offices. Reviews case files and makes sure all required documents are included and are complete and accurate. Researches, analyzes, and evaluates information/records from multiple sources relevant to a tort or lawsuit. Maintain and update a tort database for quick reference and tracking. Organize and maintain litigation, investigation, and research files and track status. During discovery, research and locate records/information to prepare tentative answer to interrogatories and request for production questions. Directs WSP employees to hold records, preserving them for the duration of litigation. Maintain an active Hold List to minimize the risk of records being destroyed by mistake.
- 40% Records Retention – Establishes agency records management standards and objectives. Create, maintain, and presents records management policies and

procedures. Solves complex records management problems. Implement and coordinate agency records management system to ensure compliance with State records management statutes. Formulates/coordinates a file management program in order to standardize filing procedures. Inventories and manages inventory of all public records of the agency, in accordance with procedures established by the State Records Committee. Analyze records inventory data, examine and compare divisional or unit inventories for duplications. Process and approve all records inventory and destruction requests. Reviews established agency records retention schedules at least annually and coordinates agency records retention, disposition, transfer and microfilming systems and programs. Train agency staff in forms and records management activities.

Summary of Ms. Young's Perspective

Ms. Young asserts the Forms and Records Analyst Supervisor class better encompasses her organization-wide records management program function responsibilities for records retention, torts, and lawsuits. Ms. Young asserts the Forms and Records Analyst 3 class does not reach to her role as the records retention officer for the agency. Ms. Young asserts that she is considered the agency expert for retention and has responsibility for creating the forms, procedures, and retention process for the whole agency. Ms. Young stated during the conference that her position might also reach the records manager level but acknowledged this would be in conflict with her supervisor's position as the Public Records officer for the agency under RCW 42.56.580.

Ms. Young asserts she has supervisory level responsibility for others through her influence to ensure all employees properly follow agency records retention requirements. This includes coordinating activities related to records inventory, records retention schedules, and coordination of the records retention process for everyone in the agency.

Summary of Washington State Patrol's Reasoning

WSP asserts Ms. Young's position does not function as a supervisor and therefore does not meet the Forms and Records Analyst Supervisor class requirements. WSP asserts Ms. Young's position does not reach the Records Management Supervisor class. WSP contends that although the position may implement and administer the records management function relating to retention, destruction, and maintenance, it does not develop the overall records management program for the agency. This responsibility rests with Ms. Young's supervisor. In addition, as stated earlier, the position does not meet the definition of a supervisor. WSP also asserts Ms. Young's position does reach the level of responsibility required by the Records Management Supervisor classification.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Forms and Records Analyst Supervisor

The Definition for Forms and Records Analyst Supervisor states:

Formulates procedures and supervises analysts within forms design or records management programs.

There are no Distinguishing Characteristics for this class.

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management defines **supervisor** as follows:

An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

The PRB has provided further guidance on the definition of supervision. The PRB determined that "[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources, and the supervision of staff." Dawson v. South Puget Sound Community College, PRB Case No. R-ALLO-08-001 (2008).

Ms. Young's position does not supervise staff. During the review conference, Ms. Young acknowledged she works independently in her position and does not have any staff reporting to her. Based on the information provided, Ms. Young's position does not include responsibility for staff supervision and is therefore precluded from allocation to the Forms and Records Analyst Supervisor class.

Comparison of Duties to Records Management Supervisor

The Records Management Supervisor definition states: "Develops, implements, and administers a totally integrated records management program in a large agency." There are no Distinguishing Characteristics for this class.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Records Program Manager class, as stated on the class specification:

Directs activities of personnel engaged in the design, analysis, specification development and acquisition of all forms and graphics; disposition of records; establishment and maintenance of filing systems;

Ms. Young's position does not exercise the scope or breadth of authority anticipated at the Records Management Supervisor level. The scope and complexity of her records retention activities do not reach management level responsibility for directing the activities of personnel engaged in records management activities. Further, Ms. Young acknowledged during the review conference that her supervisor's position as the Public Records officer for the agency under RCW 42.56.580 reaches this level of responsibility.

Ms. Young's overall duties do not rise to the level of responsibility required by this class. In total, Ms. Young's position should not be allocated to the Records Management Supervisor class.

Comparison of Duties to Program Specialist series

Allocation to the "Program" series requires an assignment of work that is unique and specific to a particular program but not work that is specifically described by another existing class specification. If there is a class that encompasses the body of work, allocation to the specific class must take primary consideration. Allocation to a "Program" class should only occur when there are no other viable options for allocation. The Forms and Records Analyst series specifically address the body of work under review in this appeal. Since these classes specifically describe the scope of work and specific duties performed by Ms. Young, allocating her position to a class within the Program series is not appropriate. For this reason, Ms. Young's position should not be allocated to a class within the Program series.

This is further supported by Personnel Resources Board (PRB) decisions in which the Board has concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. In Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008), the Board held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class that specifically includes the position. [See Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989)."]

Comparison of Duties to Forms and Records Analyst 3

The Definition for the Forms and Records Analyst 3 class states:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Forms and Records Analyst 3 class specification

Schedules and coordinates manual and electronic forms and/or records management services including files consulting, records retention scheduling, essential records scheduling, and similar services, in one or a group of organizational units and negotiates service agreements with department personnel;

Ms. Young's position closely matches the Definition of the Forms and Records Analyst 3 classification.

Ms. Young serves as a specialist in two systems areas. Ms. Young directs the records retention function for the agency and coordinates the gathering, delivering, and maintenance of records related to tort claims and lawsuits. She serves as a management consultant for complex records issues and exercises independent judgment and authority in scheduling and coordinating records management services including files consulting, records retention scheduling, essential records scheduling, and similar services for the WSP.

Ms. Young's overall level of responsibility and decision making authority over the records retention program, as well as her responsibility for coordinating reviewing and collecting records for tort claims and lawsuits fit within the Forms and Records Analyst 3 classification.

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

In this case, the majority of the duties assigned to Ms. Young's position and her level of responsibility and delegated authority are best described by the Forms and Records Analyst 3 classification. Ms. Young's position should remain allocated to that class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia,

Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Kristin Young
Pat Marshall, WSP
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Kristin Young v. Washington State Patrol (ALLO-10-021)

List of Exhibits

A. Kristin Young Exhibits

1. Kristin Young's Request for Director's Review form, dated April 20, 2010.
2. WSP allocation determination letter dated March 24, 2010.
3. Letter to Jerry Handfield from Chief John Batiste RE: State Agency Records Retention Officer Appointment, dated February 26, 2009.

B. Washington State Patrol Exhibits

1. WSP Agency allocation determination letter from Pat Marshall to Kristin Young, dated March 24, 2010.
2. Reallocation Request review analysis and recommendation from WSP HR staff to Pat Marshall, for Kristin Young's position, Position Number 0967.
3. Position Description form for position #0967, dated March 23, 2010. (Director's Note: this was the PDF used in conjunction with the PRR (B8) for the Director's review determination).
4. Interoffice Communication: to Gretchen Dolan from Kristin Young – subject: Reallocation of Forms and Records Analyst 3 position.
5. Organizational Chart for the Risk Management Division.
6. Interoffice Communication dated October 2, 2002.
7. Agency Records Officer Appointment certificate for Kristin Young, dated November 2001.
8. Position Review Request for Kristin Young, received by WSP HR division on February 1, 2010.
9. Position Description form for position #0967, dated February 5 2010.
10. Desk Audit notes used by WSP HR staff for Kristin Young's position, dated 3/1/2010. (See also B-2)
11. Post it notes – Requested PDF 2/2/2010.

C. Director's Exhibits

1. DOP Class Specification for Program Specialist 2, class code 107I.
2. DOP Class Specification for Forms and Records Analyst 3, class code 112K.
3. DOP Class Specification for Forms and Records Analyst Supervisor, class code 112L.
4. DOP Class Specification for Records Management Supervisor, class code 112M.